

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 6/26/14

TO: **THE ZONING BOARD OF APPEALS**  
THE TOWN OF NEWBURGH, NEW YORK 12550

I (WE) JAMES McWILLIAMS PRESENTLY

RESIDING AT NUMBER 48 FIFTH AVENUE, NEWBURGH, NY 12550

TELEPHONE NUMBER 845-857-7797

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

S/B/L: 73-1-23 (TAX MAP DESIGNATION)

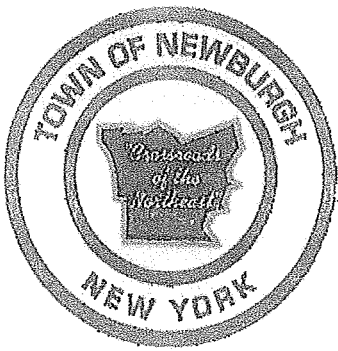
48 FIFTH AVENUE, NEWBURGH, NY 12550 (STREET ADDRESS)

R-3 (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-(1) INCREASING DEGREE OF NON CONFORMITY OF SIDE YARD (WEST SIDE)

185-15-A-(2) ACCESSORY BUILDING WITHIN 10 FEET OF PRIMARY RESIDENCE  
(ACCESSORY BUILDING IS EXISTING, PRIMARY RESIDENCE IS GETTING CLOSER)



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: JUNE 11, 2014

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: AREA VARIANCES FOR SIDE YARD SETBACK AND SETBACK BETWEEN PRIMARY RESIDENCE AND ACCESSORY STRUCTURE

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_

**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_



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d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

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6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

THE ACCESSORY STRUCTURE IS EXISTING. ALSO THE PROPOSED ADDITION WILL ONLY OCCUPY LAND THAT IS CURRENTLY COVERED BY AN EXISTING COVERED REAR DECK, AND THE LAND IS CURRENTLY RESIDENTIAL AND WILL CONTINUE WITH THE SAME USE.

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

TO MEET SETBACK REQUIREMENTS FROM THE ADDITION TO THE EXISTING ACCESSORY STRUCTURE WOULD REQUIRE CONSTRUCTING ADDITION ON THE OTHER END OF THE RESIDENCE AND CHANGING ENTIRE LAYOUT TO MEET THE INTENDED PURPOSE OF ADDITION FOR KITCHEN. (CONSTRUCTING ADDITION ON EAST SIDE OF PROPERTY WOULD PUT IT ADJACENT TO BEDROOMS RATHER THAN KITCHEN).

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

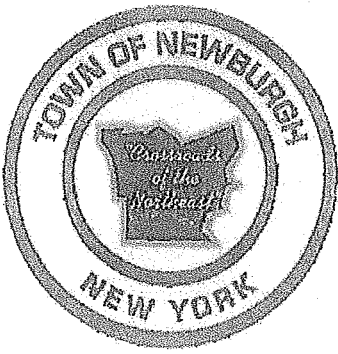
THE ACCESSORY STRUCTURE IS EXISTING AND WILL NOT BE CHANGED. ALSO, THE PROPOSED ADDITION WILL BE CONSTRUCTED IN PORTION OF FOOTPRINT FOR EXISTING COVERED PORCH IN REAR OF BUILDING AND SETBACKS TO SIDE PROPERTY LINE WILL REMAIN THE SAME.

d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

THE EXISTING NEIGHBORHOOD IS RESIDENTIAL AND THE PROPOSED USE IS THE SAME. ALSO, THE PROPOSED CONSTRUCTION WILL NOT INCREASE IMPERVIOUS COVERAGE OF THE LOT.

e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

THE DETACHED GARAGE WAS EXISTING AND THE TOWN OF NEWBURGH ACCESSORY STRUCTURE PROVISIONS (SECTION 185-15) WERE NOT IN PLACE WHEN THE CURRENT OWNER PURCHASED THE PROPERTY.



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7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JAMES McWILLIAMS

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23<sup>rd</sup> DAY OF June 20 14

  
\_\_\_\_\_  
NOTARY PUBLIC

**CHARLENE M. BLACK**  
Notary Public, State of New York  
No. 01BL6149416  
Qualified in Orange County  
Commission Expires July 10, 20 14

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



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ZONING BOARD OF APPEALS  
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308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## PROXY

JAMES McWILLIAMS \_\_\_\_\_, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 48 FIFTH AVENUE, NEWBURGH

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

48 FIFTH AVENUE (S/B/L: 73-1-23), TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED John Cella

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 6/23/14

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23<sup>rd</sup> DAY OF June 2014

Charlene M. Black  
NOTARY PUBLIC

CHARLENE M. BLACK  
Notary Public, State of New York  
No. 01BL6149416  
Qualified in Orange County  
Commission Expires July 10, 2014

617.20  
Appendix B  
Short Environmental Assessment Form


**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
JAMES McWILLIAMS, 48 FIFTH AVENUE, NEWBURGH, NEW YORK 12550			
Name of Action or Project: AREA VARIANCES FOR JAMES McWILLIAMS			
Project Location (describe, and attach a location map): 48 FIFTH AVENUE (S/B/L:73-1-23), TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK			
Brief Description of Proposed Action: CONSTRUCTION OF SMALL ADDITION TO INCREASE SIZE OF EXISTING CONDIIION FOR A SINGLE FAMILY OWNER OCCUPIED RESIDENCE. THE ADDITION WILL BE CONSTRUCTED OVER PORTION OF AN EXISTING COVERED DECK. THE PROJECT WILL NOT INCREASE THE BEDROOM COUNT OF THE RESIDENCE AND IT WILL REMAIN SINGLE FAMILY OWNER OCCUPIED. PROJECT REQUIRES AREA VARIANCES FOR SIDE YARD SETBACK AND SETBACK BETWEEN PRIMARY RESIDENCE AND ACCESSORY STRUCTURE.			
Name of Applicant or Sponsor: JAMES McWILLIAMS		Telephone: 845-857-7797	
		E-Mail: james.mcwilliams7@gmail.com	
Address: 48 FIFTH AVENUE			
City/PO: NEWBURGH		State: NEW YORK	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO YES
			X
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES
APPROVAL FROM THE TOWN OF NEWBURGH ZONING BOARD OF APPEALS FOR REQUESTED AREA VARIANCES AND TOWN CODE COMPLIANCE FOR BUILDING PERMIT.			X
3.a. Total acreage of the site of the proposed action?		0.26 acres	
b. Total acreage to be physically disturbed?		0.01 ACRES acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.26 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
	X	
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>JONATHAN CELLA, P.E.</u>	Date: <u>6/24/2014</u>	
Signature: 		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		



	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

<b>TOWN OF NEWBURGH ZONING BOARD OF APPEALS</b>	
_____ Name of Lead Agency	_____ Date
<b>GRACE CARDONE</b> _____ Print or Type Name of Responsible Officer in Lead Agency	<b>ZONING BOARD OF APPEALS CHAIRPERSON</b> _____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)



# TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

2435-14

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/11/2014

Application No. 14-0323

To: James McWilliams  
48 Fifth Ave  
Newburgh, NY 12550

SBL: 73-1-23  
ADDRESS: 48 Fifth Ave

ZONE: R-3

PLEASE TAKE NOTICE that your application dated 05/20/2014 for permit to construct a 8' x 13' kitchen addition on the premises located at 48 Fifth Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 185-19-C-(1) Shall not increase the degree of non-conformity. (1) side yard.
- 185-15-A-(2) Accessory buildings shall be 10' from the main dwelling.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

*BUILT WITH OUT A PERMIT*

NO

2435-14

NAME: James McWilliams

ADDRESS: 48 Fifth Ave Newburgh NY 12550

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 8' x 13' kitchen addition

SBL: 73-1-23 ZONE: R-3

TOWN WATER:  YES / NO TOWN SEWER:  YES / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
ONE SIDE YARD	15'	9'	Increasing the degree of non-conformity		
ACCESSORY SETBACK	10'		6'-9"	3'-3"	32.5%
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1  YES / NO  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY  YES / NO  
 CORNER LOT - 185-17-A  YES / NO

**ACCESSORY STRUCTURE:**

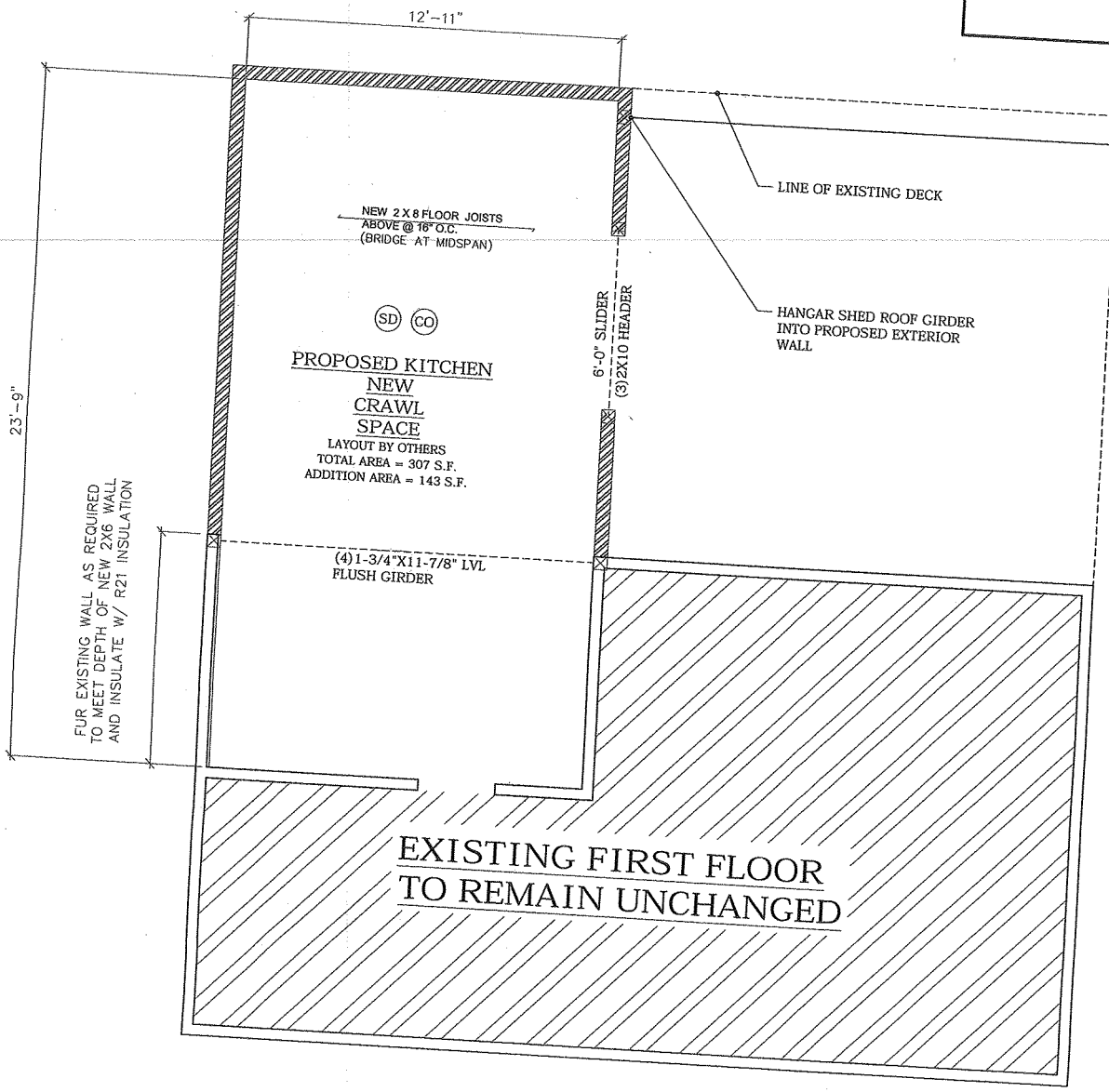
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4  YES / NO  
 FRONT YARD - 185-15-A  YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES  YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1  YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3  YES / NO

NOTES: Increasing degree of (1) side yard setback and creating a new non-conformity for the required 10' to an accessory building.

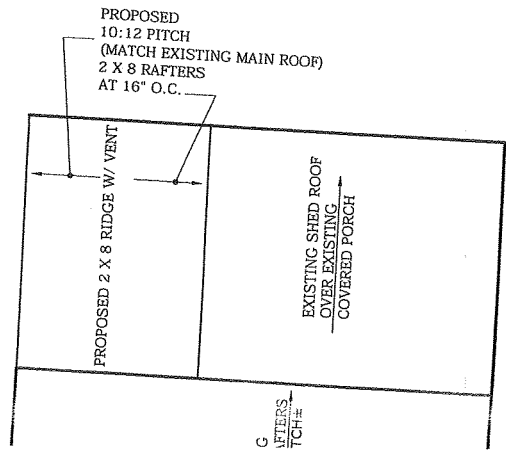
VARIANCE(S) REQUIRED: The garage is pre-existing non-conforming

- 1 185-19-C-1 Shall not increase the degree of non-conformity. (1) side yard
- 2 185-15-A-(2) Shall be 10' from the main building.
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 11-Jun-14



**PROPOSED FIRST FLOOR PLAN**  
 Scale: 1/4" = 1'-0"



EE (3) 8"X16" BRICK VENTS  
 THE TOP OF THE PERIMETER  
 ION UNDER THE DINING

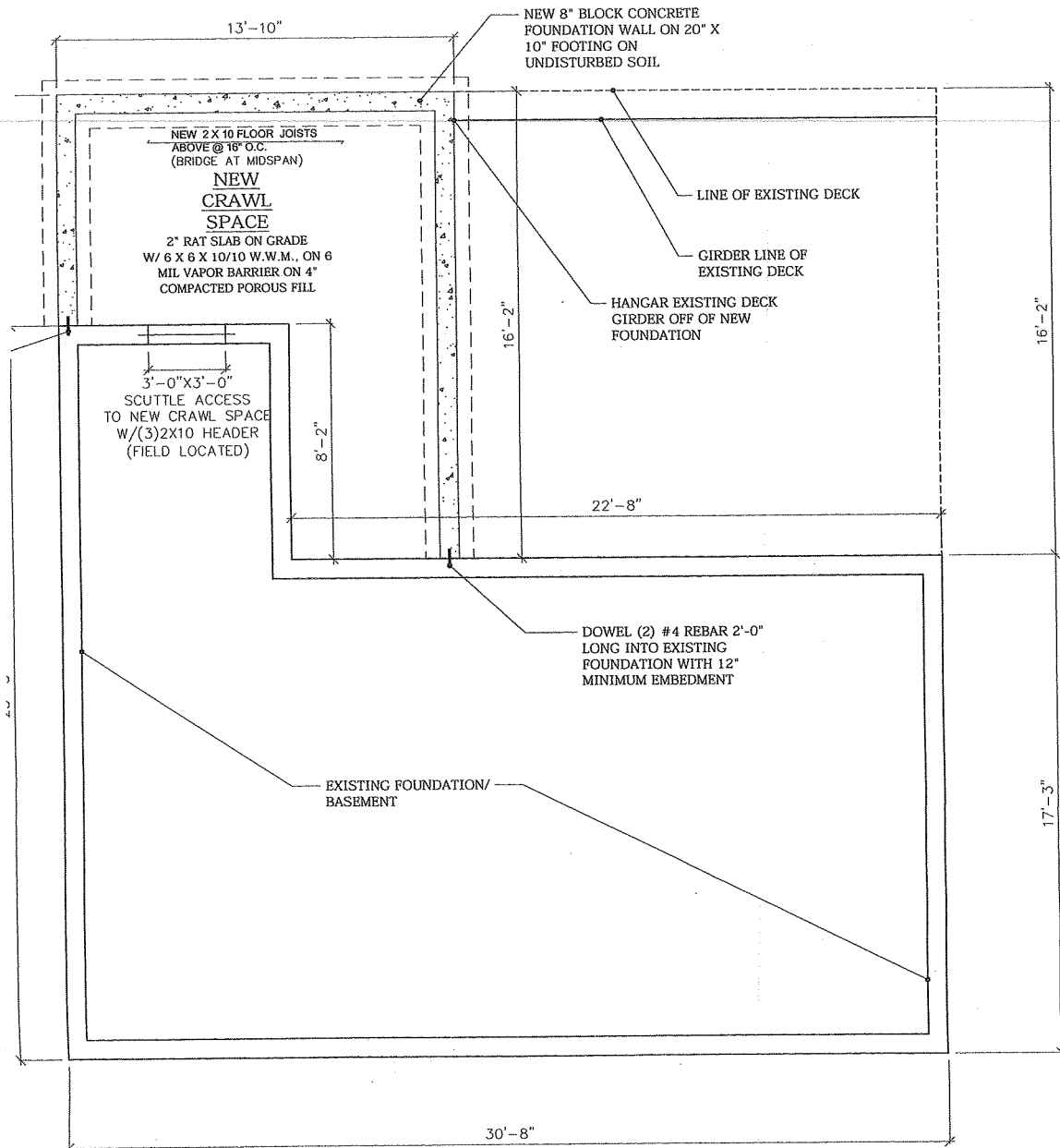
CESS INTO THE NEW  
 CRAWL SPACE.

LD LOCATED.

RBN MONOXIDE DETECTORS  
 ESIDENCE SHALL BE UPDATED  
 ENTS OF THE NEW YORK

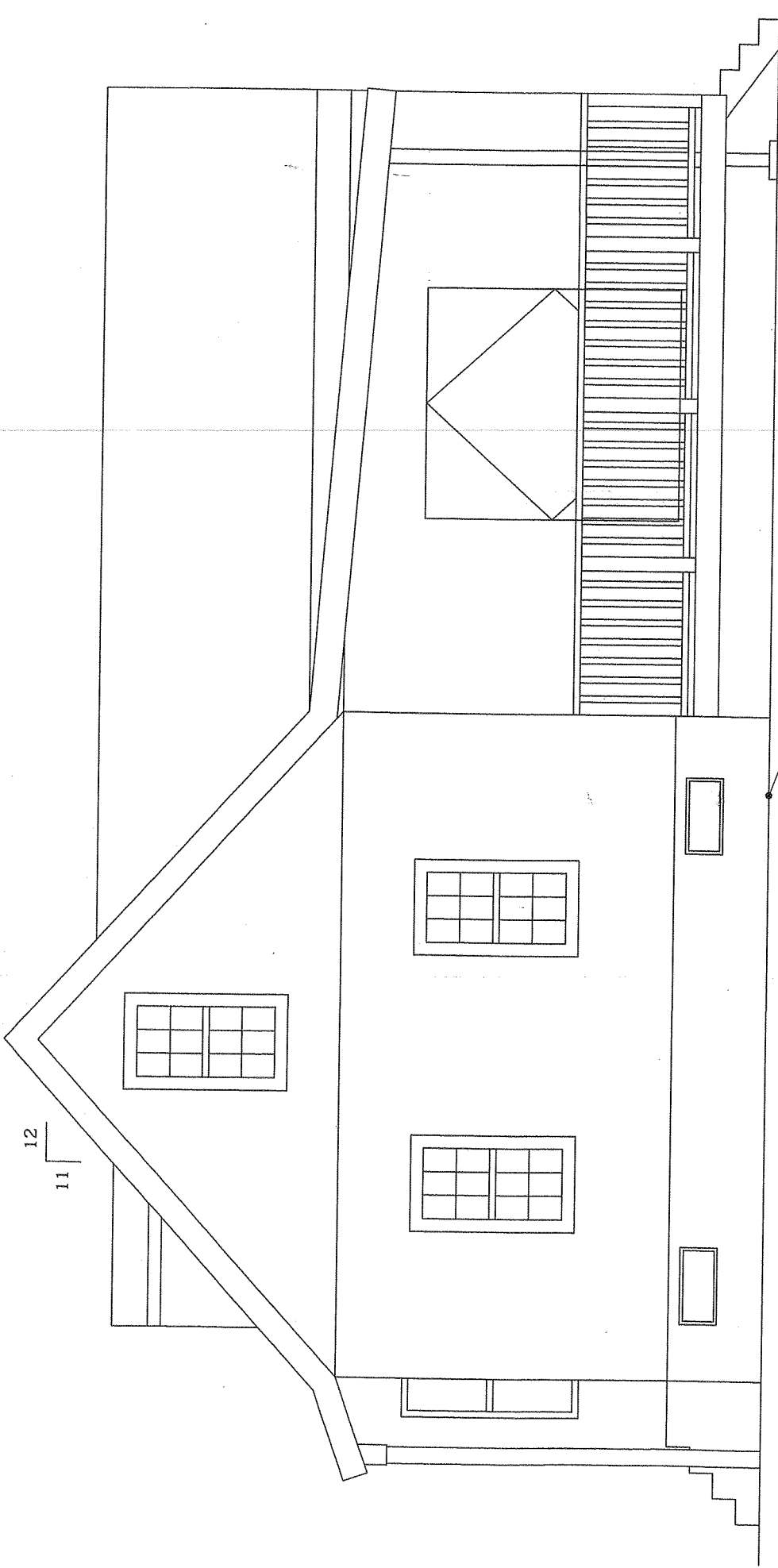
G  
 ALTERS  
 TCH#

TOTAL ROOM AREA (SQ FT)	PROVIDED LIGHT FROM WINDOWS	PROVIDED LIGHT REQUIRED (8%)	PASS OR FAIL	PROVIDED FROM WINDOW
307 SQ FT	40 SQ FT	24.56 SQ FT	PASS	20 SQ FT
WINDOWS BASED ON ANDERSON SERIES 400				



## PROPOSED FOUNDATION PLAN

Scale: 1/4" = 1'-0"



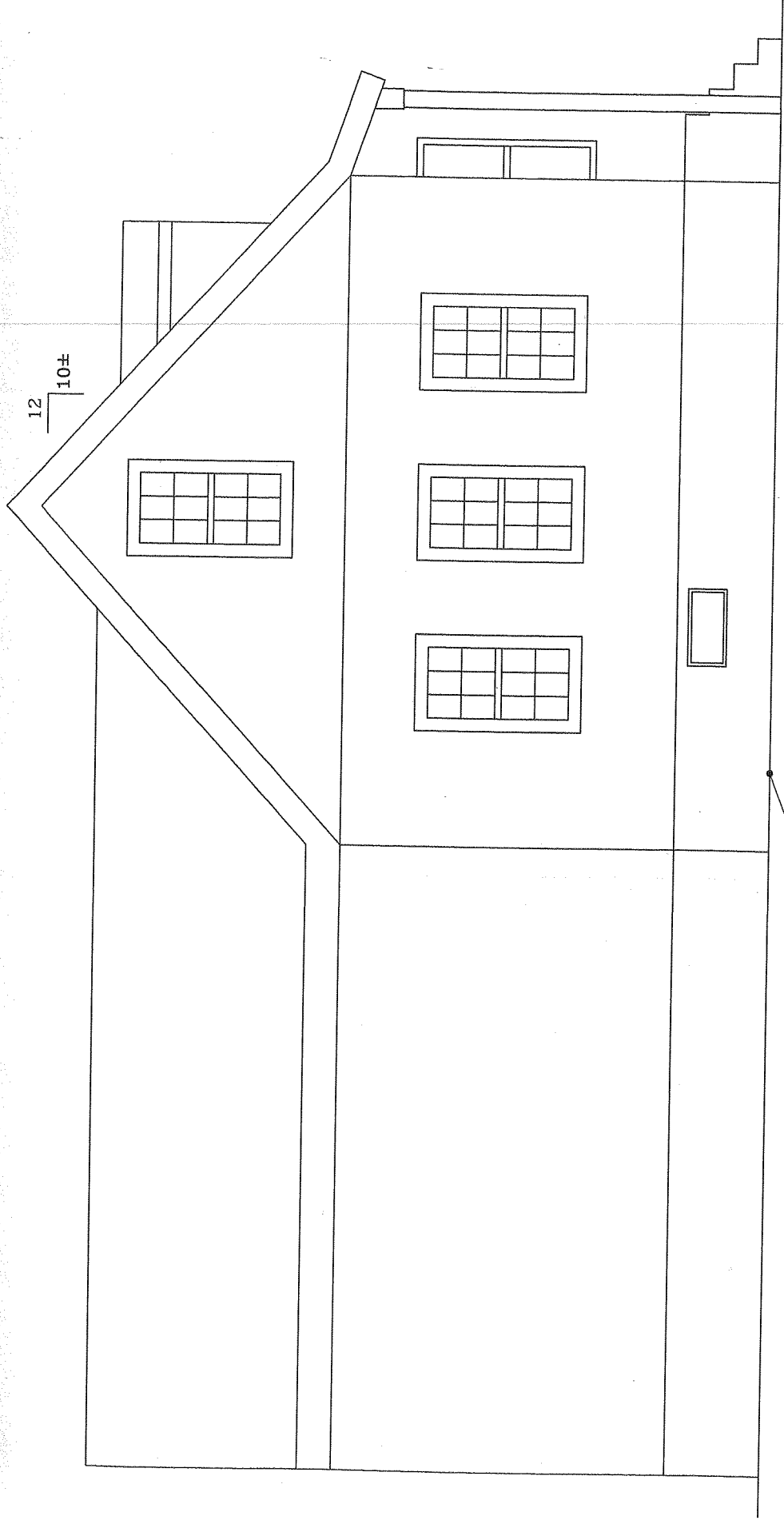
EXISTING GRADE

# PROPOSED RIGHT SIDE ELEVATION

Scale: 1/4" = 1'-0"

2 X 8 COLLAR TIE AT 16" O.C.  
(TYP.)

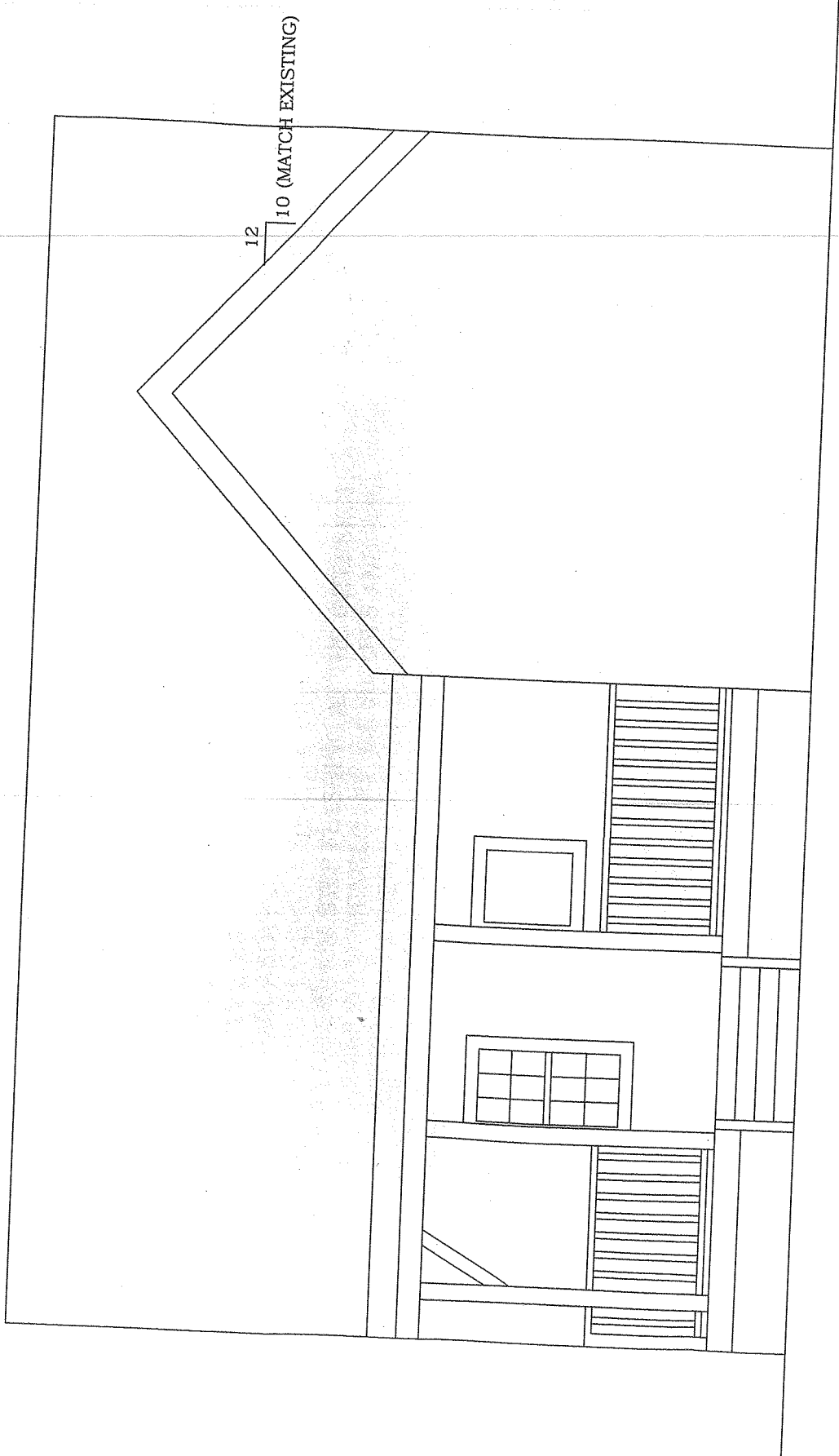
2' X 8" RAFTERS AT 16" O.C. (TYP.),  
UNLESS NOTED OTHERWISE



EXISTING/PROPOSED  
GRADE

# PROPOSED LEFT SIDE ELEVATION

Scale: 1/4" = 1'-0"



**PROPOSED REAR ELEVATION**

Scale: 1/4" = 1'-0"



**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE**  
**THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE**



Stellar Abstract  
 1228 Route 300  
 Newburgh, NY 12550  
 (914) 567-6232 FAX 567-6718

TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

98-0-1130

James McWilliams and  
 Karen Serrano-Paglia, f/k/a  
 Karen McWilliams,  
 TO  
 James McWilliams

SECTION 73 BLOCK 1 LOT 23

**RECORD AND RETURN TO:**

(Name and Address)

James McWilliams  
 48 Fifth Avenue  
 Newburgh, N.Y. 12550

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

**DO NOT WRITE BELOW THIS LINE**

INSTRUMENT TYPE: DEED  MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

**PROPERTY LOCATION**

- |                                |                               |
|--------------------------------|-------------------------------|
| ___ 2089 BLOOMING GROVE (TN)   | ___ 4289 MONTGOMERY (TN)      |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG)       |
| ___ 2289 CHESTER (TN)          | ___ 4203 MONTGOMERY (VLG)     |
| ___ 2201 CHESTER (VLG)         | ___ 4205 WALDEN (VLG)         |
| ___ 2489 CORNWALL (TN)         | ___ 4489 MOUNT HOPE (TN)      |
| ___ 2401 CORNWALL (VLG)        | ___ 4401 OTISVILLE (VLG)      |
| ___ 2600 CRAWFORD (TN)         | ___ 4600 NEWBURGH (TN)        |
| ___ 2800 DEERPARK (TN)         | ___ 4800 NEW WINDSOR (TN)     |
| ___ 3089 GOSHEN (TN)           | ___ 5089 TUXEDO (TN)          |
| ___ 3001 GOSHEN (VLG)          | ___ 5001 TUXEDO PARK (VLG)    |
| ___ 3003 FLORIDA (VLG)         | ___ 5200 WALLKILL (TN)        |
| ___ 3005 CHESTER (VLG)         | ___ 5489 WARWICK (TN)         |
| ___ 3200 GREENVILLE (TN)       | ___ 5401 FLORIDA (VLG)        |
| ___ 3489 HAMPTONBURGH (TN)     | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3401 MAYBROOK (VLG)        | ___ 5405 WARWICK (VLG)        |
| ___ 3689 HIGHLANDS (TN)        | ___ 5600 WAWAYANDA (TN)       |
| ___ 3601 HIGHLAND FALLS (VLG)  | ___ 5889 WOODBURY (TN)        |
| ___ 3889 MINISINK (TN)         | ___ 5801 HARRIMAN (VLG)       |
| ___ 3801 UNIONVILLE (VLG)      |                               |
| ___ 4089 MONROE (TN)           |                               |
| ___ 4001 MONROE (VLG)          |                               |
| ___ 4003 HARRIMAN (VLG)        |                               |
| ___ 4005 KIRYAS JOEL (VLG)     |                               |

**CITIES**

- \_\_\_ 0900 MIDDLETOWN  
 \_\_\_ 1100 NEWBURGH  
 \_\_\_ 1300 PORT JERVIS

\_\_\_ 9999 HOLD

NO. PAGES 3 CROSS REF \_\_\_\_\_  
 CERT. COPY \_\_\_\_\_ AFFT. FILED \_\_\_\_\_

PAYMENT TYPE: CHECK \_\_\_\_\_  
 CASH \_\_\_\_\_  
 CHARGE \_\_\_\_\_  
 NO FEE \_\_\_\_\_

CONSIDERATION \$ 0  
 TAX EXEMPT \_\_\_\_\_

MORTGAGE AMT \$ \_\_\_\_\_  
 DATE \_\_\_\_\_

**MORTGAGE TYPE:**

- \_\_\_ (A) COMMERCIAL  
 \_\_\_ (B) 1 OR 2 FAMILY  
 \_\_\_ (C) UNDER \$10,000.  
 \_\_\_ (E) EXEMPT  
 \_\_\_ (F) 3 TO 6 UNITS  
 \_\_\_ (I) NAT.PERSON/CR.UNION  
 \_\_\_ (J) NAT.PER-CR.UN/ OR 2  
 \_\_\_ (K) CONDO

*Donna L. Benson*

DONNA L. BENSON  
 Orange County Clerk

RECEIVED FROM: *Stella Abstract*

LIBER 4769PG 339

LIBER 4769 PAGE 339

ORANGE COUNTY CLERKS OFFICE 23034 SLL  
 RECORDED/FILED 04/24/98 11:29:33 AM  
 FEES 44.00 EDUCATION FUND 5.00  
 SERIAL NUMBER: 007224  
 DEED ONTL NO 54847 RE TAX .00

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 21st day of April, nineteen hundred and ninety-eight,

BETWEEN

JAMES MC WILLIAMS, residing at 44 Fifth Avenue, Newburgh, New York and KAREN SERRANO-PAGLIA, f/k/a Karen McWilliams, residing at 41 Prospect Avenue, Middletown, New York

party of the first part, and

JAMES MC WILLIAMS residing at 44 Fifth Avenue, Newburgh, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of the sum of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, more particularly bounded and described in Schedule "A" annexed hereto and made a part hereof.

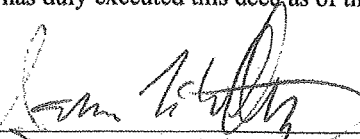
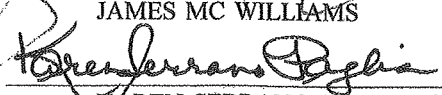
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

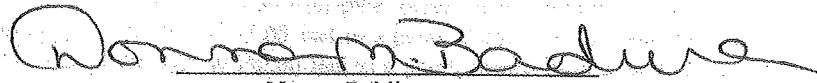
IN WITNESS WHEREOF, the party of the first part has duly executed this deed as of the day and year first above written.

THE CONSIDERATION FOR THIS CONVEYANCE IS LESS THAN \$100.00.

  
\_\_\_\_\_  
JAMES MC WILLIAMS  
  
\_\_\_\_\_  
KAREN SERRANO-PAGLIA, f/k/a  
Karen McWilliams

STATE OF NEW YORK )  
 )  
COUNTY OF ORANGE ) SS.:

On the 21 day of April, 1998, before me personally came JAMES MC WILLIAMS, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same



Notary Public

STATE OF NEW YORK )  
 )  
COUNTY OF ORANGE ) SS.:

**DONNA M. BADURA**  
Notary Public, State of New York  
Qualified in Orange County  
No. 4857444  
Commission Expires March 31, 2000

On the 21 day of April, 1998, before me, personally came KAREN SERRANO-PAGLIA, f/k/a Karen McWilliams, to me known to be the individual described in and who executed the foregoing instrument and acknowledged that she executed the same.



Notary Public

**DONNA M. BADURA**  
Notary Public, State of New York  
Qualified in Orange County  
No. 4857444  
Commission Expires March 31, 2000

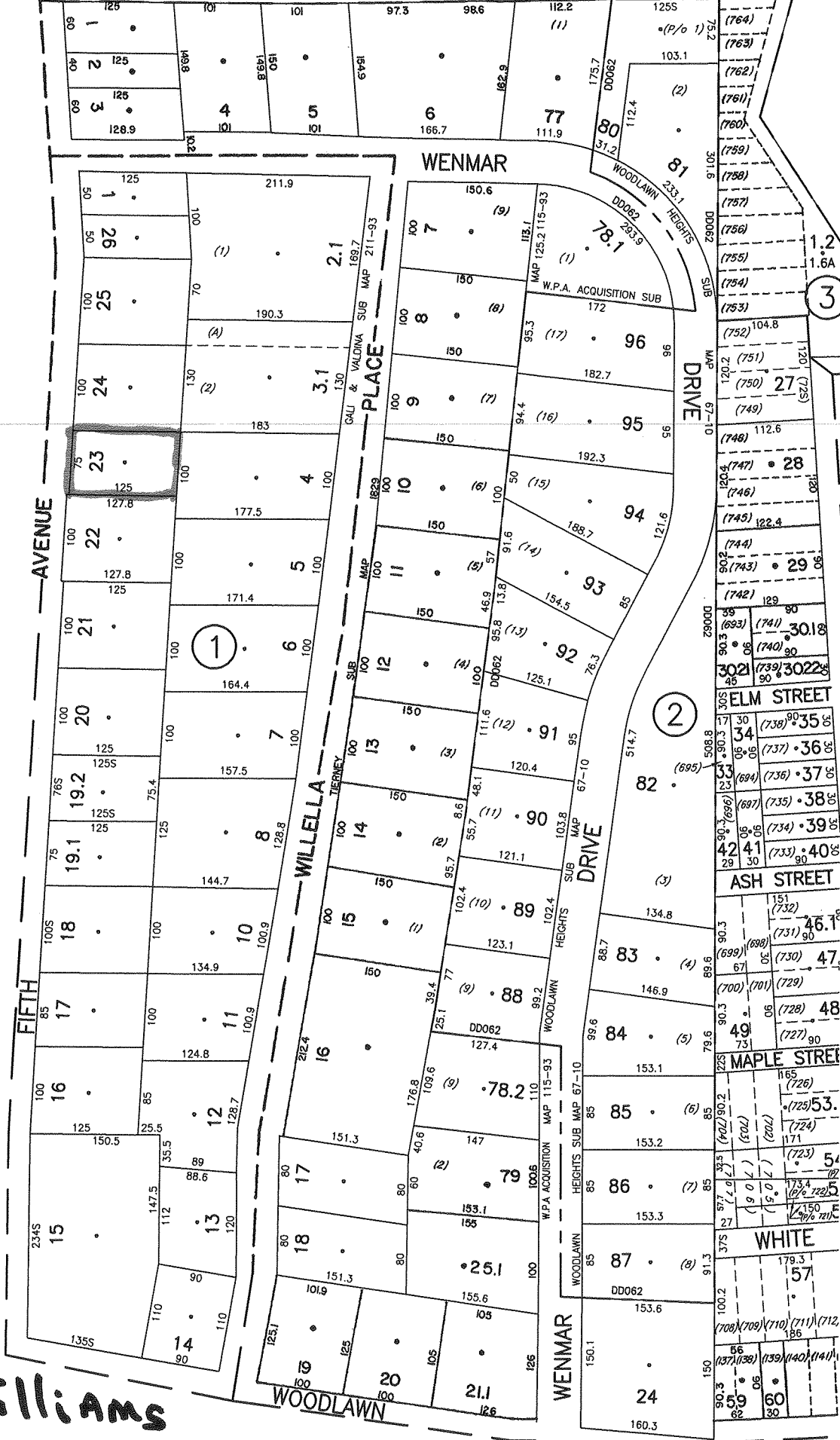
SCHEDULE A

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, and being more accurately bounded and described as follows:

BEGINNING at a point in the center line of Fifth Avenue, said point also being located at the southwest corner of lands now or formerly of Rhodes as described in Liber 1331 ep 493, and runs from thence along lands now or formerly of Rhodes, S 76 degrees 03' 00" E 150.00 feet to an iron pipe found; thence turning and running along lands now or formerly of Baker, S 16 degrees 30' 00" W 75.00 feet to a point; thence turning and running along lands now or formerly of Fulton N 76 degrees 03' 00" W 150.00 feet to a point; thence turning and running along the center line of Fifth Avenue, N 16 degrees 30' 00" E 75.00 feet to the point or place of beginning.

BEING the same premises described in that certain Deed dated April 1, 1987, made by James McWilliams to James McWilliams and Karen McWilliams, n/k/a Karen Serrano-Paglia, the grantors herein, and recorded in the Orange County Clerk's Office on January 11, 1988 in Liber 2868 of Deeds at page 129.

LIBER 4769 PG 342



Mc Williams  
 48 Fifth Avenue (73-1-23)